

REMARKS

These remarks are submitted in response to the Official Action mailed January 18, 2007, which was made final. No amendments have been made to the claims. Applicant respectfully requests reconsideration and withdrawal of the rejection in view of the following remarks regarding the Franklin et al. reference.

STATUS OF CLAIMS

All of the claims stand rejected. Claims 8, 10-12, 14-20 and 23 have been rejected as being anticipated under 102(e) by Franklin et al. et al. and claims 3-7, 9 and 21 have been rejected as being obvious over Franklin et al. in view of Chui et al.

DISTINCTION OF CLAIMS OVER FRANKLIN ET AL. REFERENCE

In rejecting the claims, the Patent Office cites to a portion of Franklin et al. that describes that gifts can be paid for and sent to multiple destinations. Applicant acknowledges that portion of the disclosure. However, the Patent Office bridges substantial gaps as between the claimed methods and Franklin et al. in asserting that Franklin et al. meets the "functional requirements" of a selection matrix. The Patent Office cites to no selection matrix *per se*.

Franklin et al. describes "groupings" which provide a degree of flexibility with regard to where to send gifts and how to pay for each. However, the shopping experience is largely unchanged from conventional practice. For instance, if chocolate bonbons are to be sent to ten different people, it appears that Franklin et al. requires that ten boxes of bonbons be placed in the virtual shopping cart for matching to recipients.

In the claimed method, a gift is selected (once) and is purchased as many times as it matches address-book recipients that have been identified within the selection matrix. The user of the claimed method is never made to identify quantity of gift purchases; rather the user identifies from within the selection matrix any or even many recipients identified from their address book(s)

to whom one or more selected items are to be sent. Once the selection matrix has been completed, the customer can conclude the transaction.

Thus, the user can select gift items of \$10, \$30, \$50 and \$100 values and match these selections within the selection matrix to any gift recipients. If no matches are made for any particular gift item, that gift is not purchased at the conclusion of the transaction --notwithstanding that the item was selected for inclusion in the “cart.” The claimed invention has the gift selection as, essentially, a zero quantity shopping cart entry (e.g., the gift item is an item of interest) with the quantity being updated dynamically with each matrix interaction with that gift item, which interaction matches the item with a particular gift recipient.

In contrast, Franklin et al. presumably would issue an error message to the user if any selected gift item were not grouped with a merchant or payment source by time of checkout.

In view of these differences, Applicant requests reconsideration and withdrawal of the rejection of all claims over Franklin et al., or Franklin et al. in view of Chui et al.

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